

I am legal counsel for Marie Provenzano, a nurse licensed by the Massachusetts Department of Health and Human Services (a/k/a “the DPH Board of Nursing” and/or “BORN”). Attached/reprinted below is the result of a License check which shows that the HHS says, in response to “a primary source verification,” that “[c]urrently there is no disciplinary information...” regarding her. And there never has been.

Previous to September 2019 Ms. Provenzano had worked at the Shriner’s Hospital for Children from 2011 to 2014. Regarding this position, Ms. Provenzano writes:

“I resigned from my position at Shriner’s Hospital. Though it was not an easy decision I chose to pursue a position that could better accommodate my home/work/life balance. In the almost six years since leaving Shriner’s Hospital I have continued to receive only positive and accurate references from the hospital/staff about my work there as a nurse.”

She decided to leave her position at Shriner’s Hospital Boston and then enrolled in state’s Nurse Educator Certification Program. She successfully completed the program fulfilling its various requirements, which is overseen by the MA DPH and MA Department of Education. After she completed her certification requirements she accepted a position as a school nurse at the Kingston Intermediate School (“KIS” and/or “Kingston”) for the 2014-2015 school year.

Ms. Provenzano writes: “At the end of April 2019 I needed to take a medical leave from work. At the end of that leave I resigned my position as the school nurse in Kingston completely voluntarily in June 2019.”

In response to her treatment by the Town, Ms. Provenzano, of her own volition, determined she did not want to continue to work there for the next school year, and took some time off to recover from what she felt was an emotionally draining experience. She searched for and found a

better-paying, less stressful job, applied for it, and was offered the job by Joslin and accepted it. She was scheduled to start on September 9, 2019; however, as an apparent result of the September 2, 2019 article, and in particular *as a result of the apparent false statements, incomplete reporting, and damaging innuendos in that article*, was advised by her new employer on September 5th 2019, not to report for work for her scheduled first official day. As a result she had now suddenly become unemployed.

Regarding this matter, Ms. Provenzano writes the following occurred.

“A parent accused me of giving their son the wrong medication. This accusation was not true and accusation occurred coincidentally after the student had had a disciplinary incident at the school on that particular day. After establishing that the proper medication was in the student’s medication bottle, which was confirmed, the parent then shifted and said that her son should have had 8 Focalin pills left in his bottle instead of the 6 pills that were present in the bottle. There was no evidence to support this. The proper medication was in the students’ medication bottle, which was acknowledged by the parent. further investigation by the school’s administration was done and I was not found guilty of either accusation . The suspension given to me by school administration was handed down because I had not documented all the medication administrations and not personally counted the medication with the parent when it was dropped off - (that is, I had taken the parents word for how many pills were in the bottle though I was technically supposed to count the pills with the parent basically to avoid a situation such as this).

Incomplete documentation was the single reason attributed to my suspension, not medication error or medication diversion. I had made several requests to the schools administration to be provided with additional assistance in my office in order to properly keep up with clerical duties over that school year as well and previous school year (this is clearly documented in writing). The reason for my request for help was mainly that there was an

enormous increase over the past 2-3 school years in the number of students in the building with Type 1 Diabetes that required an enormous amount of time and attention to properly manage and keep safe - my workload had increased 10 fold since I had started at the school and the amount of clerical assistance provided by the school district in the health office during this critical time was utterly nonexistent.”

She left the KIS position voluntary in 2019 to take a position at the Joslin Diabetes Clinic (“Joslin”), which was to commence in early September 2019.

On September 2, 2019, the author of this publication Patricia Alulema ((CMG-Boston) Patricia.Alulema@boston25.com) circulated for public consumption a story which claimed to be about school nurses taking and misusing medications held by them for administration to students. Ms. Alulema spent a considerable amount of attention in that story to my client Marie Provenzano, though she had ***absolutely no evidence*** that Ms. Provenzano, who was accused of doing something akin to that while employed at the KIS for the school year 2018-2019, actually did anything akin to that. Indeed Ms. Alulema knew or should have known that the Town investigated that charge against Ms. Provenzano, and in the course of that investigation determined that ***Ms. Provenzano was innocent of the charge***; it did however determine in the course of that investigation that Ms. Provenzano had failed to do her job in one respect, that is, she was guilty of incomplete record-keeping and suspended her for five days on that account

At that point Ms. Provenzano engaged my services, and I contacted Ms. Alulema and attempted to contact Joslin, which never verified with Ms. Provenzano whether the charges leveled in the Alulema publication were true or false. Joslin never returned my calls and emails. Ms. Alulema revised the materials she published in September, removing some of the statements and innuendos damaging to Ms. Provenzano’s reputation.

Unfortunately the revisions had no effect on anyone who read the story as it was originally published, and Ms. Provenzano's reputation remains severely damaged.

In what appeared to be a response to her being embarrassed by having to rewrite, Ms. Alulema wrote me an email yesterday which stated that she was persisting in her investigation of my client. It read:

“We are preparing a follow up to our September 1st story involving the missing medications at Kingston Intermediate School (KIS), where your client, Marie Provenzano, was the head nurse from 2014 to 2019. The story is scheduled to air on Monday night and is based on hundreds of new documents we obtained through a Public Records Request. Those documents indicate Ms. Provenzano was investigated by the Board of Nursing for a 2014 incident at Shriner’s Hospital, and she was asked to resign from that position. The Board of Nursing investigation concluded Ms. Provenzano did not properly document the “wasting” of controlled substances but ultimately ***the Board closed the case in 2015 without discipline***, as you are probably aware. However, it appears that while that investigation was still underway Ms. Provenzano was hired by KIS. The documents also reveal that Ms. Provenzano received a 5 day suspension while at KIS following a December 2018 incident. Hoping you can answer the following questions, please.

- Did Nurse Provenzano disclose to KIS, prior to being hired in Summer of 2014, that she was being investigated by DPH Board of Nursing? - Was your client asked to leave her KIS post this past May?”

Once again ***Ms. Alulema has determined to publish, for motives unknown, a story that says Ms. Provenzano was investigated for an alleged wrong-doing of which she was determined not to have been guilty.***

Imagine how horrified you would be if someone did that to you: published stories about false charges levelled against you but failing in the first

instance to mention that the charges were determined to be false. In answer to Ms. Alulema's two questions, the answers are as followed.

Ms. Provenzano was not forced by KIS to leave her post. Her decision to leave her position at the school was of her own accord.

Prior to being hired by KIS, Shriners had investigated the charge that Ms. Provenzano did not properly document the “wasting” of controlled substances. It determined that no action should be taken against Ms. Provenzano on that account; however, it reported the charges to the DPH Board of Nursing which in turn opened an investigation. Ms. Provenzano did not disclose to KIS, prior to being hired in Summer of 2014, that she was being investigated by DPH Board of Nursing because ***she asked both Shriner's and the Board if she should do so, and was advised by both that she was obliged to report only adverse findings, and none had been made.*** Ultimately, as Ms. Alumela notes, the Board determined there was no basis for disciplining Ms. Provenzano and ***the case was DISMISSED.***

In regard to this matter, Ms. Provenzano writes:

“While I was a nurse in the Intensive Care Unit at Shriner's Hospital in Boston the hospital had run an audit in preparation for what I believe was an upcoming JACHO (Joint Commission) visit. I had been at the hospital for approximately three years at the time. The hospital's electronic medical record where the nurses documented medication administrations and all other patient care activities was not attached/compatible with the Pixis machine (medication dispensing machine - they had a different kind of machine but equivalent of Pixis machine) as it is in most hospitals. The nurses logged wastes of any medications in the computer system BUT you ALSO needed to log the wastes separately in the Pixis machine for it to be recorded by the hospital pharmacy. The practice of doing this was very lax and always had been as double documenting is never a functional strategy to assure accuracy. So the hospital ran the audit and there were multiple

medication wastes not properly logged in the Paxis/pharmacy system (though they were logged properly in the computer documentation medical record system aka EMAR) among staff members. The hospital let BORN (Board of Nursing) know and BORN took it upon themselves to investigate the discrepancies as diversion. The hospital ended up vouching for us that there were no diversion concerns, ***there were no missing medications***. The Nursing Board dismissed the issue after investigating all the evidence, and cleared me and others of any wrongdoing. ***There were no missing medications found during the audit.*** Were required to do some continuing education about waste protocols and the hospital updated their system as a result in order to make the medication waste practice more streamlined.”

She also writes, directed to Ms. Alumela:

On your evening broadcast this past September 2, 2019, you, FOX 25 Boston, chose to run a poorly sourced, grossly misleading and defamatory segment which you termed an “investigative report,” which unnecessarily and maliciously singled me out by name suggesting I violated the professional standards of my profession in dispensing medications to minors in my former role as Nurse Educator with the Kingston Intermediate School. Prior to your broadcast I enjoyed a successful career as a registered nurse, with a resume, reputation and professional demeanor which earned me a prestigious position with the Joslin Diabetes Clinic, a position I was set to start the Monday following your grossly irresponsible broadcast. Now, and as the direct result of your reckless and unprofessional program, I have been terminated from a position I was not even able to commence, and my professional career lies in tatters. It remains unclear if I will ever be able to recover from the damage you have done to me personally and professionally. You then persisted in disseminating these falsehoods further with egregious distortions woven cleverly into the language of your so called clarification follow up report. Your (Fox's) report was as incomplete and

intentionally misleading as your original broadcast that had aired September 2, 2019 and additionally ran the morning of September 3, 2019.

In response to the report Fox already ran and only semi clarified - the following:

“The 2014 incident noted in the FOX report did not involve the Kingston School. It did not involve missing medication from any Kingston School student. The Plymouth Area Collaborative rented space in the Kingston School building at the time. There was a discrepancy of one pill in two of the PAC nurse’s medications for her clients. There was no missing medications noted for any students under my care. The principal called Kingston PD to have anyone with keys interviewed mostly so the PAC nurse would feel supported by the school. One of the two PAC nurse's "missing" pills (an Adderall pill) was located days later under paper file bin neat the medication cabinet. This was reported to Kingston PD and the Nursing Board. I was never accused of anything in relation to this except by Ms. Alumela, nor was I even interviewed by the Nursing Board as it had nothing to do with me or the Kingston students for whom I was responsible. A full medication inventory was taken at the time and there were no discrepancies with any of the schools medications.”

She further says:

“Additionally, there was a 2019 complaint by a parent who is featured in the FOX story regarding a medication issue occurring at the end of May 2019 with one of the numerous substitute nurses that had covered the health office during my medical leave. I had been out on medical leave for several weeks prior to this event, I had no access during any of that time to the health office in the school. I had left my medication keys with administration prior to my medical leave. I was not working at the school during the incident and had not been working in the health office for several weeks prior to the date incident/parent complaint.”

Mark D. Stern

